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09/728,724	12/01/2000	Kiran Gurudutt Bellare	ORCL5672	5312

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
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2145

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/728,724	Applicant(s) BELLARE ET AL.	
	Examiner Azizul Choudhury	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 23-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/18/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This office action is in response to the correspondence received on June 5, 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 and 23-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stemp (US Pat No: 6,401,094) in view of McMichael (US Pat No: US006941339B1).

1. With regards to claim 1, Stemp teaches through McMichael a method for a first server to select content to be displayed on a computer accessing a Web site of a second server, comprising the steps of: collecting user identification data from the computer accessing the Web site (column 4, lines 42-59, Stemp); sending the collected user identification data to the first server (the client in Stemp's design is equivalent to the claimed computer, the application layer/server is equivalent to the claimed second server and the database layer/server is equivalent to the claimed first server; Figure 2 and column 3, lines 13-25, Stemp); retrieving user information corresponding to the user identification data from a database of user information accessible to the first server (In figure 2, the

database server has access to the SQL database. The SQL database maintains user related information. The client information is sent to the database layer/server, via the application layer/server so that the user related information can be pulled out of the SQL database (column 3, lines 13-25, Stemp)); selecting content to be displayed on the second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules, and causing the Web site to display the selected content to the accessing computer (column 3, lines 13-25, Stemp).

While Stemp's design allows for behavioral business objects to customize information into a format preferable to users, it does not explicitly cite the use of rules. In the same field of endeavor, McMichael teaches a design that allows for customized rules to be applied to user requests (column 5, line 29 – column 6, line 15, McMichael). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Stemp with those of McMichael, for the purpose of dynamically adjusting portal views accessed by the user (column 2, lines 21-32, McMichael).

2. With regards to claims 2, 30, 34, and 36, Stemp teaches through McMichael a method wherein at least one of the plurality of rules is customizable ((column 5, lines 20-32, Stemp) and (column 6, lines 29-36, McMichael)).

3. With regards to claims 3, 19 and 37, Stemp teaches through McMichael a method wherein the user identification data is included in at least one file stored on the accessing computer (column 2, lines 36-37, Stemp).
4. With regards to claims 4, 20 and 38, Stemp teaches through McMichael a method wherein the at least one file is configured as a cookie (column 2, lines 30-37, Stemp).
5. With regards to claim 5, Stemp teaches through McMichael a method wherein the causing step includes a step of sending the selected content to the second server (column 3, lines 20-22, Stemp).
6. With regards to claim 6, Stemp teaches through McMichael a method wherein the second server further carries out a step of integrating the selected content into the Web site displayed to the user (column 3, lines 22-25, Stemp).
7. With regards to claims 7 and 23, Stemp teaches through McMichael a method wherein the second server further carries out a step of transmitting the selected content to the accessing computer and wherein a browser running on the accessing computer integrates the selected content into a currently displayed page of the Web site (column 5, lines 33-42, Stemp).

8. With regards to claims 8, 24 and 39, Stemp teaches through McMichael a method wherein the transmitting step is carried out via HTTP and TCP/IP (Inherent that http and TCP/IP means are present since the design works for html web pages on the Internet; column 2, lines 13-19 and column 6, line 42, Stemp).
9. With regards to claims 9 and 25, Stemp teaches through McMichael a method wherein the causing step includes a step of sending to the second server an address of the selected content (column 6, lines 19-22, Stemp).
10. With regards to claims 10 and 26, Stemp teaches through McMichael a method wherein the second server carries out a step of fetching the selected content at the address sent by the first server and integrating the fetched selected content into a currently displayed page of the Web site (column 5, line 43 – column 6, line 11, Stemp).
11. With regards to claims 11 and 27, Stemp teaches through McMichael a method wherein the second server sends the address of the selected content to the accessing computer and wherein the accessing computer fetches the selected content at the address sent by the second server and integrates the fetched selected content into a currently displayed page of the Web site (equivalent to client-side scripting; column 51, lines 46-47, Stemp).

12. With regards to claims 12, 28 and 40, Stemp teaches through McMichael a method wherein the content includes at least one of an advertisement, a product recommendation and a link to another Web site (It is obvious that since links can be placed, that the links can be to commercial sites, especially since business objects are applied in Stemp's design; column 5, lines 20-32, Stemp).
13. With regards to claims 13, 29 and 41, Stemp teaches through McMichael a method wherein the selected content includes a combination of the product recommendation and a deep link into said another Web site where the recommended product is featured (It is obvious that since links can be placed, that the links can lead to another site; column 5, lines 20-32, Stemp).
14. With regards to claims 14, 30 and 42, Stemp teaches through McMichael a method wherein an applicability of at least one of the plurality of rules of the rule base is selectively limited by at least one parameter (column 6, lines 30-37, McMichael).
15. With regards to claims 15, 31 and 43, Stemp teaches through McMichael a method wherein the at least one parameter includes time, date, geography, age, sex, income level, browser type and record of past purchases or inquiries ((column 4, line 42 – column 5, line 5, Stemp) and (column 1, line 54 – column 2, line 5, McMichael)).

16. With regards to claims 16, 32 and 44, Stemp teaches through McMichael a method further comprising the step of updating the database of user information based upon an activity of a user of the accessing computer (equivalent to function of cookies; column 2, lines 36-37, Stemp).
17. With regard to claims 17 and 33, Stemp teaches through McMichael a method wherein the sending step sends a request for the selected content along with the collected user identification data (column 3, lines 13-25 and column 4, lines 42-59, Stemp).
18. With regards to claim 18, Stemp teaches through McMichael, a system comprising: a merchant Web server (equivalent to the database server; Figure 2 and column 3, lines 13-25, Stemp); an affiliate Web server, the affiliate Web server being coupled to the merchant Web server over a computer network (the claimed affiliate web server is equivalent to the application server; Figure 2 and column 3, lines 13-25, Stemp); a database of user information accessible to the merchant Web server (In figure 2, the database server has access to the SQL database. The SQL database maintains user related information. The client information is sent to the database server, via the application server so that the user related information can be pulled out of the SQL database (column 3, lines 13-25, Stemp)); a rule base including a plurality of configurable rules, the rule

base being accessible to the merchant Web server (column 4, lines 2-4, Stemp); a first process to collect a user identification from a computer accessing a Web site controlled by the affiliate Web server and for sending the collected user identification to the merchant Web server along with a request for content (column 3, lines 13-25 and column 4, lines 42-59, Stemp); a second process for retrieving user information from the database corresponding to the collected user identification (The SQL database maintains user related information. The client information is sent to the database server, via the application server so that the user related information can be pulled out of the SQL database (column 3, lines 13-25, Stemp)); a third process for applying user information obtained from the database to the plurality of rules and for returning selected content to the affiliate Web server in response to the request for content, the returned being selected based upon a result of applying the user information to the plurality of rules, and a fourth process to integrate the selected content into the Web site controlled by the affiliate server (column 3, lines 13-25, Stemp).

While Stemp's design allows for behavioral business objects to customize information into a format preferable to users, it does not explicitly cite the use of rules. In the same field of endeavor, McMichael teaches a design that allows for customized rules to be applied to user requests (column 5, line 29 – column 6, line 15, McMichael). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Stemp

with those of McMichael, for the purpose of dynamically adjusting portal views accessed by the user (column 2, lines 21-32, McMichael).

19. With regards to claim 35, Stemp teaches through McMichael, a method of delivering personalized content from a first server to a computer accessing a second server, comprising the steps of: receiving a request for the personalized content from the accessing computer, the accessing computer having accessed a Web page that includes embedded code configured to send the request for personalized content to the first server over a computer network along with selected user identification data (column 3, lines 13-25 and column 4, lines 42-59, Stemp); retrieving user information corresponding to at least one of the user identification data and the accessed Web page from a database of user information accessible to the first server (In figure 2, the database server has access to the SQL database. The SQL database maintains user related information. The client information is sent to the database server, via the application server so that the user related information can be pulled out of the SQL database (column 3, lines 13-25, Stemp)); applying the retrieved user information to a rule base including a plurality of rules; selecting content to be posted in the accessed Web page based upon a result of the application of the retrieved user information to at least one of the plurality of rules; and sending at least one of the selected content and an address of the selected content to the

accessing computer for posting into the accessed Web page (column 3, lines 13-25, Stemp).

While Stemp's design allows for behavioral business objects to customize information into a format preferable to users, it does not explicitly cite the use of rules. In the same field of endeavor, McMichael teaches a design that allows for customized rules to be applied to user requests (column 5, line 29 – column 6, line 15, McMichael). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Stemp with those of McMichael, for the purpose of dynamically adjusting portal views accessed by the user (column 2, lines 21-32, McMichael).

20. The obviousness to combine motivation applied to claims 1, 18 and 35 are applicable to claims 2-17, 19-20, 23-34 and 36-44.

Response to Arguments

Applicant's arguments filed June 5, 2007 have been fully considered but they are not persuasive. The following are the examiner's response to the applicant's arguments.

The principle point of contention addressed by the applicant concerns the claimed trait of "selecting content to be displayed on the second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules." The applicant contends that the prior arts fail to teach such a claim trait. The applicant is convinced that presenting information (taught by the prior

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art) is different from selecting content (claimed invention). The applicant goes on to explain that in his viewpoint the term "presenting" (as used in the Stemp prior art) is equivalent to formatting. The examiner disagrees with these assertions. The act of selecting content is to adjust what data an end user eventually sees. This is precisely what the prior art does. In fact, the applicant himself states that the prior art teaches how raw data is formatted and presented. If "select" information were not omitted by the formatting of raw data to be presented, then only the raw data would be presented. Furthermore, content is merely data/information. Hence, even if Stemp were to merely teach selecting graphical interface layouts (a point which the examiner does not concede), such as if a pager was formatted to have a scroll bar, selecting whether to have a particular scroll bar is itself a selection of content for a scroll bar is content.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC


JASON CARDONE
SUPERVISORY PATENT EXAMINER